



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,687	06/08/2001	Matthew J. Holliman	42390.P11076	9438
8791 7590 05/21/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER LEE, PHILIP C	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/877,687	HOLLIMAN ET AL.	
	Examiner	Art Unit	
	Philip C. Lee	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 80-109 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 80-109 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2152

1. This action is responsive to the amendment and remarks filed on February 28, 2007.
2. Claims 80-109 are presented for examination and claims 1-79 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC 112

4. Claims 80-109 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim language in the following claims is not clearly understood:
 - i. As per claim 80, line 5, it is unclear if “a cost value” refers to “a cost value” in line 4.
 - ii. As per claim 92, line 6, it has the same problem as claim 80 above.
 - iii. As per claim 101, line 10, it has the same problem as claim 80 above.

Claim Rejections - 35 USC 103

5. Claims 80-82, 84, 86, 88, 91-94, 96, 100-102 and 105-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al, U.S. Patent Application Publication 2002/0073204

Art Unit: 2152

(hereinafter Dutta), Schneider, U.S. Patent 6,687,753 (hereinafter Schneider) and Meempat et al, U.S. Patent 6,778,496 (hereinafter Meempat) in view of Carolan et al, U.S. Patent 6,965,569 (hereinafter Carolan)

6. Dutta, Schneider and Carolan were cited in the last office action.
7. As per claim 80, Dutta teaches the invention substantially as claimed comprising:
a first peer node receiving an inquiry for data from a second peer node ([0037]), the inquiry including a user specified search string ([0007], [0037]) (it is inherent that the query specified by a user contains sequences of characters forming the words or phrase that the user is searching); and
transmitting the data to the second peer node ([0044]-[0045]).
8. Dutta does not teach specifying a format for the data. Schneider teaches the invention comprising:
an inquiry specifying a format for the data (col. 5, lines 25-27);
converting the data into the specified format before transmitting the data to the node(col. 4, lines 57-61);
transmitting the data to the node in a transport specification specified by the node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).

Art Unit: 2152

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's system of converting the data and transmitting in a transport specification specified would increase the efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).

10. Dutta and Schneider do not teach generating a cost value. Meempat teaches generating and adding cost value to a packet that also includes a cost value generated by another peer node and then providing the packet to a second peer node (col. 2, lines 15-25).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Meempat because Meempat's teaching of generating and adding cost value would expedite the flow of data in their systems by monitoring the link occupancy status and generating the intelligence for making packet control decisions.

12. Dutta, Schneider and Meempat do not teach cost value based in part on conversion. Carolan teaches the cost value is based in part on conversion of the data to the specified format (col. 6, lines 1-5; col. 3, lines 4-6; col. 11, lines 1-2).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat and Carolan because

Carolán's teaching of cost value would increase the efficiency of Dutta's, Schneider's and Meempat's systems by allowing a conversion cost to be associated with each possible conversion and selecting the conversion in the least cost (col. 3, lines 4-6, 20-24).

14. As per claims 92 and 101, Dutta teaches the invention substantially as claimed comprising:

receiving an inquiry for data from a second peer node ([0037]), the inquiry including a user specified search string ([0007], [0037]) (it is inherent that the query specified by a user contains sequences of characters forming the words or phrase that the user is searching); and
transmitting the data to the second peer node ([0044]-[0045]).

15. Dutta does not teach specifying a format for the data. Schneider teaches the invention comprising:

an inquiry specifying a format for the data (col. 5, lines 25-27);
converting the data to the specified format (col. 4, lines 57-61);
transmitting the converted data in the specified format to the node in a transport protocol specified by the node (col. 3, lines 14-16, 41-53; col. 4, lines 57-61; col. 5, lines 15-37).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's system of converting the data and transmitting in a transport specification specified would increase the

efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).

17. Although Schneider teaches the technique of specifying the transport protocol in well known (col. 1, lines 52-55), however, Dutta and Schneider do not explicitly teach the specified transport protocol is a User Datagram Protocol (UDP). It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify UDP or any type of transport protocol in order to chose an optimal transport protocol based on network condition.

18. Dutta and Schneider do not teach generating a cost value. Meempat teaches generating and adding cost value to a packet that also includes a cost value generated by another peer node and then providing the packet to a second peer node (col. 2, lines 15-25).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Meempat because Meempat's teaching of generating and adding cost value would expedite the flow of data in their systems by monitoring the link occupancy status and generating the intelligence for making packet control decisions.

20. Dutta, Schneider and Meempat do not teach cost value based in part on conversion. Carolan teaches the cost value is based in part on conversion of the data to the specified format (col. 6, lines 1-5; col. 3, lines 4-6; col. 11, lines 1-2).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat and Carolan because Carolan's teaching of cost value would increase the efficiency of Dutta's, Schneider's and Meempat's systems by allowing a conversion cost to be associated with each possible conversion and selecting the conversion in the least cost (col. 3, lines 4-6, 20-24).

22. As per claims 84, 96 and 107, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Schneider further teaches the data is converted based on a status of a network connection between the first node and the second node (col. 4, lines 1-20; col. 5, lines 48-62; col. 6, lines 20-29).

23. As per claim 86, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 80 above. Dutta and Schneider further teach the first peer node obtaining the data from a third peer prior to transmitting the data to the first node (see Dutta, [0037]; see Schneider, col. 3, lines 19-21);

24. As per claim 88, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 80 above. Dutta, Schneider, Meempat and Carolan do not explicitly teach each of the different formats for conversion, however, It would have been obvious to one of ordinary skill in the art at the time the invention was made to include any format such as PowerPoint format, GIF format, etc. for conversion because by doing so it would

allow a user to convert between any desired format, hence increasing the field of use in their systems.

25. As per claim 91, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 80 above. Schneider further teach the data includes multimedia data (col. 2, lines 33-36).

26. As per claim 100, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 92 above. Dutta further teach an article includes one or more selected from a memory device, an optical disk, and a magnetic disk ([0077]).

27. As per claim 102, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 101 above. Dutta and Schneider further teach the peer node is a wireless device (see Dutta, [0026]), and wherein the system further comprises an application support handler to adjust delivery of the data to a status of the peer node (see Schneider, col. 3, lines 10-17; col. 4, lines 14-20; col. 6, lines 26-29).

28. As per claims 81, 93 and 105, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Meempat further teaches generating a cost value that is based in part on a network route to deliver the data to the node (col. 2, lines 15-25; col. 5, lines 62-67).

Art Unit: 2152

29. As per claims 82, 94 and 106, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Meempat further teaches sending a packet comprising the cost value to the node (col. 2, lines 15-25).

30. Claims 83 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Agrawal et al, U.S. Patent 6,072,784 (hereinafter Agrawal).

31. Agrawal was cited in the last office action.

32. As per claims 83 and 95, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80 and 92 above. Dutta, Schneider, Meempat and Carolan do not teach receiving a battery status. Agrawal et al teaches receiving a battery status of the node (col. 8, lines 40-42); and reacting to the received battery status by changing a transport protocol (rule of transporting) that is used to transmit the data to a node (col. 10, lines 49-60; col. 7, lines 18-21; col. 9, lines 29-33; col. 11, lines 19-33).

33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Agrawal because Agrawal's teaching of receiving a battery status would increase the efficiency of their systems by allowing battery power to be conserved by rescheduling the operations of the mobile terminal (col. 6, lines 44-52).

34. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Zhang et al, U.S. Patent 6,891,854 (hereinafter Zhang).

35. Zhang was cited in the last office action.

36. As per claim 85, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 84 above. Dutta, Schneider, Meempat and Carolan do not teach the data is converted to a lower bit rate. Zhang teaches the data is converted to a lower bit rate format when the network connection is congested (col. 8, lines 32-34; col. 16, lines 54-61; col. 18, lines 12-18).

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Zhang because Zhang's teaching of the data is converted to a lower bit rate format would enhance Dutta's, Schneider's, Meempat's and Carolan's transport mechanism by converting a bit stream to match the channel bandwidth, resulting in a reducing bit error rate.

38. Claims 87, 97 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Sato et al, U.S. Patent 7,088,775 (hereinafter Sato).

Art Unit: 2152

39. As per claims 87, 97 and 108, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 84 above. Dutta, Schneider, Meempat and Carolan do not teach converting between MPEG2 and MPEG4. Sato teaches converting between MPEG2 and MPEG4 (col. 10, lines 44-46; col. 14, lines 28-37).

40. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Sato because Sato's teaching of converting between MPEG2 and MPEG4 would enhance their systems by allowing bit stream to be converted to a smaller bit rate that can be readily processed in mobile terminals and the like.

41. Claims 89, 98 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of VanHeyningen, U.S. Patent Application Publication 2003/0023845 (hereinafter VanHeyningen).

42. VanHeyningen was cited in the last office action.

43. As per claims 89, 98 and 109, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Dutta, Schneider, Meempat and Carolan do not teach deciding to transmit in UDP instead of TCP. VanHeyningen teaches deciding to transmit in UDP instead TCP (abstract).

Art Unit: 2152

44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and VanHeyningen because Vanheyningen's teaching of deciding to transmit in UDP instead of TCP would enhance Dutta's, Schneider's, Meempat's and Carolan's transport mechanism by providing a time-sensitive delivery scheme, making it more suitable for streaming media ([0006]).

45. Claims 90 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Goossen et al, U.S. Patent Application Publication 2005/0108436 (hereinafter Goossen).

46. Goossen was cited in the last office action.

47. As per claims 90 and 99, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80 and 92 above. Dutta, Schneider, Meempat and Carolan do not teach explicitly teach an inquiry specifying a file type. Goossen teaches receiving an inquiry specifying a file type (page 9, claim 44).

48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Goossen because Goossen's teaching of an inquiry specifying a file type would allow users of their systems to access files according to the type desired by the users.

Art Unit: 2152

49. Claim 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Horn et al, U.S. Patent Application Publication 2001/0022000 (hereinafter Horn).

50. Horn was cited in the last office action.

51. As per claim 103, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 101 above. Dutta, Schneider, Meempat and Carolan do not teach access to a peer-to-peer service layer. Horn teaches a programmatic access for applications of the system to a peer-to-peer service layer ([0055]-[0056]) (Note that the system must include programmatic access in order for application to use the transmission condition parameters provided by the peer-to-peer service layer.)

52. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Horn because Horn's teaching of peer-to-peer service layer would improve quality of transmission in Dutta's, Schneider's, Meempat's and Carolan's systems by allowing peer service layer to provide transmission condition parameters indicative of the condition of the network to control the processing of data ([0015] and [0017]).

Art Unit: 2152

53. Claim 104 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Neogi et al, U.S. Patent 6,650,620 (hereinafter Neogi).

54. Neogi was cited in the last office action.

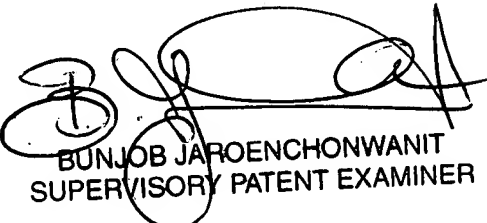
55. As per claim 104, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 101 above. Dutta, Schneider, Meempat and Carolan do not teach tables mapping user-defined named. Neogi teaches table mapping user-defined names or metadata references to Globally Unique Identifiers identifying data stored within a network of peer-to-peer nodes (col. 2, lines 53-63; col. 3, lines 27-43).

56. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Neogi because Neogi's system of mapping user-defined names would increase the efficiency of Dutta's, Schneider's, Meempat's and Carolan's systems by allowing requests to be routed according to the mapping table.

57. Applicant's arguments with respect to claims 80-109, filed on 2/28/07 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2152

58. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER